

**Translation**

PATENT COOPERATION TREATY

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# PCT

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>PAT99153PCT</b>	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. <b>PCT/EP00/03355</b>	International filing date ( <i>day/month/year</i> ) <b>13 April 2000 (13.04.00)</b>	Priority date ( <i>day/month/year</i> ) <b>08 May 1999 (08.05.99)</b>
International Patent Classification (IPC) or national classification and IPC <b>C09D 5/02, 7/14</b>		
Applicant <b>BASF COATINGS AG</b>		

<p>1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of <u>5</u> sheets, including this cover sheet.</p> <p><input type="checkbox"/> This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).</p> <p>These annexes consist of a total of _____ sheets.</p>	
<p>3. This report contains indications relating to the following items:</p> <ul style="list-style-type: none"> <li>I <input checked="" type="checkbox"/> Basis of the report</li> <li>II <input type="checkbox"/> Priority</li> <li>III <input type="checkbox"/> Non-establishment of opinion with regard to novelty, inventive step and industrial applicability</li> <li>IV <input type="checkbox"/> Lack of unity of invention</li> <li>V <input checked="" type="checkbox"/> Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</li> <li>VI <input type="checkbox"/> Certain documents cited</li> <li>VII <input checked="" type="checkbox"/> Certain defects in the international application</li> <li>VIII <input checked="" type="checkbox"/> Certain observations on the international application</li> </ul>	

Date of submission of the demand <b>08 November 2000 (08.11.00)</b>	Date of completion of this report <b>03 May 2001 (03.05.2001)</b>
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

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International application No.  
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## I. Basis of the report

1. This report has been drawn on the basis of *(Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 1-4 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments.)*:

- ☐ the international application as originally filed.
- ☒ the description, pages 1-74, as originally filed,  
 pages \_\_\_\_\_, filed with the demand,  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
 pages \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☒ the claims, Nos. 1-16, as originally filed,  
 Nos. \_\_\_\_\_, as amended under Article 19,  
 Nos. \_\_\_\_\_, filed with the demand,  
 Nos. \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
 Nos. \_\_\_\_\_, filed with the letter of \_\_\_\_\_.
- ☐ the drawings, sheets/fig \_\_\_\_\_, as originally filed,  
 sheets/fig \_\_\_\_\_, filed with the demand,  
 sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_,  
 sheets/fig \_\_\_\_\_, filed with the letter of \_\_\_\_\_.

2. The amendments have resulted in the cancellation of:

- ☐ the description, pages \_\_\_\_\_
- ☐ the claims, Nos. \_\_\_\_\_
- ☐ the drawings, sheets/fig \_\_\_\_\_

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

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PCT/EP 00/03355**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement****1. Statement**

Novelty (N)	Claims		YES
	Claims	1-16	NO
Inventive step (IS)	Claims		YES
	Claims	1-16	NO
Industrial applicability (IA)	Claims	1-16	YES
	Claims		NO

**2. Citations and explanations**

The present application does not meet the requirements of PCT Article 33(2).

EP-A-0 471 972 (D1) describes a base color coating for automobiles consisting of components A-C (Claim 1). Component A contains an acrylic resin, a water-miscible solvent and metallic and non-metallic pigments as effect-imparting constituents (page 5, lines 49-51 and page 11, line 13). Component B contains a chromophore pigment, a binding agent and water (page 13, lines 33-36). Component C is an aqueous solution that contains a dispersion of talc (as a phyllosilicate it is an additive that controls rheology), polypropylene glycol and resin (page 13, lines 43-45). It should be noted with respect to the subject matter of Claim 14 that a product is not considered novel simply because it is produced using a novel method. Claim 14 would therefore only be allowed if the product itself were novel and inventive.

Thus components A-C appear to anticipate components (A1), (A2) and (A3) in Claims 1-2, 4-8 and 11 in a manner prejudicial to novelty. Since components A-C each contain polyurethane (page 5, line 53 and page 13, lines 35 and 45), the subject matter of Claims 9 and 10 also appears not to be novel. Likewise, the novelty of the subject matter of Claims 12-16 appears to have been impaired.

The coating is produced by introducing each component separately into a solution (page 16, line 55). Thus the subject matter of Claim 3 also appears to have been anticipated in a manner prejudicial to novelty.

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**VII. Certain defects in the international application**

The following defects in the form or contents of the international application have been noted:

The description does not acknowledge D1.

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**VIII. Certain observations on the international application**

The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

Claims 1 and 2 are directed to a coating material and a modular system. Both appear to contain the same components A1, A2 and B, however. It is therefore impossible to discern by which features the subjects of these claims differ.